

Effective 5/10/2016

63G-4-106 Access to information on state-controlled websites.

(1) As used in this section and Sections 63G-4-107 and 63G-4-108:

- (a) "Administrative disciplinary action" means, subject to the limitations described in Section 63G-4-102, state agency action against the interest of an individual that affects a legal right, duty, privilege, immunity, or other legal interest of an individual, including agency action to deny, revoke, suspend, modify, annul, withdraw, or amend an authority, right, or license.
- (b) "Record of administrative disciplinary action" means a notice, request, complaint, report, order, or other information related to an administrative disciplinary action.
- (c) "State-controlled website" means a website:
 - (i) operated by:
 - (A) an agency; or
 - (B) a third party pursuant to a contract with an agency under which the agency controls the data available to the public; and
 - (ii) that includes personally identifiable information.

(2) Unless otherwise required by federal law, if an agency maintains, on a state-controlled website available to the public, a record of administrative disciplinary action, the agency shall remove the record of administrative disciplinary action from public access on the state-controlled website by no later than 10 years from the date:

- (a) a final order related to the administrative disciplinary action was issued; or
- (b) the administrative disciplinary action was commenced, if no final order was issued related to the administrative disciplinary action.

(3) Notwithstanding Subsection (2):

- (a) a record of administrative disciplinary action issued in accordance with this chapter shall maintain its record classification pursuant to Subsection 63G-2-301(2)(c) or (3)(t); and
- (b) a person may make a request for the record of administrative disciplinary action in accordance with Title 63G, Chapter 2, Government Records Access and Management Act.

Enacted by Chapter 312, 2016 General Session